1947. K **File No.** O. Weights and Measures 47

Legal DEPARTMENT

A BRANCH

Subject:— Weights and Measures

P 2 F

Opinions under the Bombay Weights and Measures Act, 1932

File No. O. Weights and Measures 47

Std. Sectt. Slip 24 B c.

504-A

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The Bombay Weights and Measures Act, 1932.

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whether a goldsmith is a trader.

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Filing of an appeal.

The Magistrate has failed to consider in this case the Explanation to section 12 which defines "trade". Although the Explanation is added to sec. 12, the definition as provided in the Explanation is applicable to the use of the expression "trade" in all the succeeding provisions of the Act. Under the definition any dealing or contract is trade. As sub-section (1) of section 12 shows, such dealings or contracts would include dealings or contracts not only for sale of goods but also in respect of any work to be done or delivery of any goods by weight or measure. A goldsmith usually takes gold and silver from his customers for making ornaments for them and while doing so he has first to weigh such gold and silver and to return the ornaments thus made and account for the gold and silver received by him. While returning the ornaments also he has to weigh them. The dealings of a goldsmith thus amount to "trade" within the meaning of the Explanation to section 12 and the goldsmith would be a "trader" within the meaning of section 34. The view taken by the Director of Industries in this behalf is correct. An appeal may be filed.

Id./ P.M.L. 22/12

P.C. Remembrancer of Legal Affairs.

U.O. to E.I.D., No. 13344, dated the 23rd December 1947.

SMR D/8/56
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